The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2018

Appeal Ref: APP/L2630/W/18/3197272
Land north of Picton Road, Tharston, Norfolk NR15 2YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tom Mayes against the decision of South Norfolk District Council.
- The application Ref 2017/2686, dated 21 November 2017, was refused by notice dated 1 February 2018.
- The development proposed is the erection of 3 No. dwellings with associated access and car parking areas.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 3 No. dwellings with associated access and car parking areas at land north of Picton Road, Tharston, Norfolk NR15 2YD in accordance with the terms of the application, Ref 2017/2686, dated 21 November 2017, subject to the conditions set out in the Schedule attached.

Procedural Matters

2. The application was made in outline with all matters reserved for later determination apart from access. Consideration has been given to the indicative plans over how the development might proceed. My decision is based on the revised layout with the development served from the single, existing access point.

3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

Main Issues

4. The main issues are (a) whether the three dwellings would have reasonable access to services and facilities and (b) the effect of the proposal on the character and appearance of the area, including in respect of trees.

Reasons

a) Access to services and facilities

5. The proposed dwellings would be located adjacent to a small cluster of housing situated about a mile from the centre of the expanding settlement of Long Stratton. There are a wide range of services and facilities within this large community and the appeal site falls within the Long Stratton Area Action Plan

(LSAAP) boundary, which is part of the Norwich Policy Area (NPA), some 0.2 miles beyond the edge of its defined development boundary.

6. The LSAAP sets out that Tharston and Hapton parishes are not considered suitable for new housing. However, parishes comprise large geographical areas and the appeal site, whilst some distance from the main villages of both Tharston and Hapton, is a relatively short distance from that of the larger centre of Long Stratton.

7. The relevant development plan policies are those of the Joint Core Strategy (JCS) and the Local Plan Development Management Policies (DMP). JCS Policy 4 mainly sets out the housing delivery for the NPA and is of strategic relevance. Although not quoted in the decision, JCS Policy 1 seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does JCS Policy 6 by encouraging walking and cycling.

8. DMP Policy DM 3.8 applies design principles to all development, which includes that access is provided by routes and public spaces that meet different requirements of accessibility without an unsatisfactory domination of traffic. DMP Policy DM 3.10 seeks that development utilises all opportunities to integrate with local sustainable transport networks and is designed to maximise the use of such and to reduce the need to travel.

9. As the proposal is outside the defined LSAAP development boundary there would be conflict with DMP policies DM 1.1 and DM 1.3 were there to be no overriding economic, social and environmental benefits. There would be some harm in undermining the objective to concentrate development within defined boundaries, to locate this with existing services and facilities and provide good access to these without an over reliance on private car use, as underpinned by the policies referred to.

10. However, this is a small proposal for three houses, located close to Long Stratton, which would result in relatively limited harm through the conflict with the aims of the aforementioned policies. Although the roads connecting the site with Long Stratton are initially unlit and without footpaths there are public rights of way and green infrastructure routes indicated in the LSAAP which offer some degree of connectivity by means other than by private car.

11. Occupiers of the proposed houses would have access to the wide range of regularly required services in Long Stratton, such as employment areas, supermarkets, surgeries and schools, through making relatively short car or bicycle journeys. The appellant also shows the site to be close to two bus stops providing a service to larger centres.

12. The revised Framework and the accompanying Planning Practice Guidance (PPG) are material considerations. The proposal would be adjacent to existing housing, within reasonable proximity to services, and therefore not comprise the development of isolated homes in the countryside that paragraph 79 of the Framework seeks that planning decisions avoid. Moreover, paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

13. With regard to the location outside the LSAAP development boundary, the PPG states that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

14. The development plan policy conflict found by the Council would be disproportionate with the limited impact of this modest proposal when considered in the context of the Framework/PPG advice. Although the proposal is within a small rural cluster of housing outside the development boundary of Long Stratton, where there would be some reliance on short journeys by car to access regular needs, the three dwellings would nonetheless have reasonable access to services and facilities for the reasons explained.

b) Character and appearance of the area

15. The site frontage is densely lined with mature ash trees which the arboricultural report shows would be unharmed by the development and retained, thereby softening the visual impact of the three dwellings proposed. Approval is sought in outline and the layout and landscaping of the development would be the subject of reserved matter determination. Some management of the trees would be beneficial to their future and for highway safety reasons, but I am not persuaded that there would be such shading of the houses that this would lead to circumstances requiring their removal.

16. The DMP states in paragraph 4.69 that development will be permitted where it can be demonstrated that there exists a harmonious and sustainable relationship between trees and structures. There is no evidence that this would not be the case with this proposal, which I find would comply with Policy DM 4.8 regarding the protection of trees and hedgerows.

17. The dwellings would quite closely mirror the siting and extent of the housing situated on the facing side of Picton Road. Reserved matter approval could ensure the new houses were of a design, scale and position which would be in keeping with the built surroundings. There is merit in the appellant's case that the proposal would provide symmetry and a neat pattern of built form along the road and I consider this would be an appropriate and visually satisfactory form of rounding-off within a small enclave of housing.

18. Subject to the retention of the trees, and to satisfactory reserved matter details, this proposal would not have a detrimental impact on the rural character of this location and satisfy the design principles in DMP Policy DM 3.8 and JCS Policy 2. Therefore, on this second issue, the proposal would result in no material harm to the character and appearance of this area.

Planning Balance

19. The Council has referred to two appeal decisions[1] I have recently made in the Rural Policy Area (RPA) of South Norfolk where my attention had been drawn to the 2017 Strategic Housing Market Assessment (SHMA). In these cases, the Council acknowledged this evidence cast doubt over its previously held position that the JCS provided for a five year supply of deliverable housing sites in the

[1] APP/L2630/W/17/3188918 and APP/L2630/W/18/3193882

RPA. The appellants in each of these cases had not disputed this evidence as it would not have been advantageous to their cases. Quite reasonably, in dismissing the appeals, the Framework's 'tilted balance' was first applied, whereby any adverse impacts were found to significantly and demonstrably outweigh the benefits.

20. The SHMA evidence provides for the reverse in the NPA whereby the objectively assessed need (OAN), taking into account the contribution made by student accommodation, points to the JCS providing an 8.08 year housing land supply. In the third dismissed appeal decision[2] submitted, which like this case fell within the NPA, it was noted that whilst the SHMA provided a more recent OAN this was insufficient to prove the currently adopted development plan could demonstrate a five year housing land supply. It would not be appropriate for an appeal over a minor proposal for three dwellings, not the subject of an Inquiry providing the means to undertake a detailed housing land supply assessment, to reach a conclusion in support of the OAN provided by the SHMA.

21. However, this decision does not turn on the issue of whether or not there is a five year housing land supply. The revised Framework continues to support the Government's objective of significantly boosting the supply of homes. Even assuming the SHMA was proven the proposal would still provide housing supply benefits.

22. The proposal would gain the support of paragraph 68 of the revised Framework which promotes small sites of less than one hectare due to their important contribution to meeting housing requirements, as they have the potential for a relatively quick build-out. The proposal would also make effective use of land, which is currently under-utilized and not the subject of any beneficial purpose, as supported by part 11 of the Framework. Although I would not find it necessary to attach a condition to this effect, the proposal could provide the benefit of self-build opportunities.

23. On balance, the modest benefits provided by this proposal in respect of housing supply would outweigh any limited harm identified.

Conditions

24. I have considered the conditions recommended by the Council in the light of paragraph 55 of the revised Framework. This states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Those required to be discharged before development commences should be avoided, unless there is a clear justification. Those included have been amended to ensure enforceability.

25. As this is an outline application the usual conditions relating to the submission of details are required, with the exception of means of access. For certainty, a condition is necessary that the development is carried out in accordance with the plans and reports submitted. In the interests of highway safety a condition is necessary requiring the formation of the access and visibility splays prior to occupation. A condition requires the development to achieve the water saving standards sought by the Council's policy over this matter.

[2] APP/L2630/W/17/3191743

26. A condition is not necessary to govern external materials as these may be decided at the reserved matters stage. As the approval relates to a development served by a single shared access onto the highway it is not necessary to condition the nature of any individual access gating. On-site parking and turning spaces can be addressed at the reserved matter layout stage. As this is a relatively small development of three dwellings, and not located within a high flood risk area, there is not the evidence to justify a condition requiring a sustainable drainage system. There is no firm evidence to justify conditions addressing potential contamination on a purely precautionary basis.

Conclusion

27. The proposal, whilst outside of any defined settlement boundary, is adjacent to a cluster of housing within a reasonable distance of the wide range of services in Long Stratton. The proposal would round-off development without requiring the loss of trees and cause no material harm to rural character. The readily available contribution to housing supply on this under-utilized site, whilst modest, would outweigh any recognisable harm. Therefore, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 red-line site location plan; 7865 02 1:200 site access and visual splay; Preliminary Ecological Appraisal dated November 2017; submitted bat roost assessment dated December 2017; Arboricultural Report V1.0 by BH Trees And Woodlands Consultancy Limited dated 24 October 2017.
5) No dwelling shall be occupied until the site access and visibility splays onto Picton Road shown in the plan approved have been laid out, drained and constructed in accordance with details that shall have had the prior written approval of the local planning authority. The site access and visibility splays shall thereafter be retained and maintained in accordance with these approved details.

6) No dwelling shall be occupied until details of how it shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day have been submitted to, and approved in writing by, the local planning authority. All required water conservation measures shall thereafter be installed and maintained to achieve this agreed rate to ensure the required water consumption is not exceeded for the lifetime of the development.

---End of Conditions---